

Appln. No. 10/637,211

Attorney Docket No. 10541-1810

III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 1-23 remain pending.

Claim Rejections – 35 U.S.C. §103

Claims 1-4, 6-9, 18-20, and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2003/0053638 A1 to Yasuhara (Yasuhara) in view of U.S. Publication No. 2004/0247138 A1 to Wang (Wang).

Applicants respectfully submit the attached Declarations of Peter J. Nashif and Sorin Panainte under 37 C.F.R. §1.131, which evidence the conception of the claimed invention prior to June 3, 2003 (the 102(e) date of the Wang reference) and diligence from a date prior to June 3, 2003 to the filing of the instant application. Applicants respectfully submit that the Wang reference is not prior art under 35 U.S.C. §102, and therefore cannot form the basis for a §103(a) rejection. Accordingly, applicants respectfully request that the examiner reconsider and withdraw these rejections under §103.

Claims 5, 10-17, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Wang, and U.S. Patent No. 5,661,811 to Huemann et al. (Huemann).

Since Wang is not prior art under 35 U.S.C. §102, it cannot form a basis for rejection under 35 U.S.C. §103. Accordingly, applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

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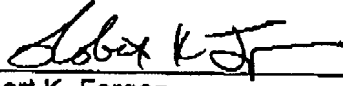
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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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